

105 CMR: DEPARTMENT OF PUBLIC HEALTH

120.800: LICENSING AND OPERATIONAL REQUIREMENTS FOR LOW-LEVEL RADIOACTIVE WASTE FACILITIES

120.880: Maintenance of Records, Reports, and Transfers

(A) The Operator shall maintain any records and make any reports in connection with the licensed activities as are required by the conditions of the license or by the regulations in 105 CMR 120.800 or any order of the Department.

(B) Records required by the regulations in 105 CMR 120.800 or by license conditions shall be maintained for a period specified by 105 CMR 120.800 or by license condition. If a retention period is not otherwise specified, these records shall be maintained and transferred to the Board as a condition of license transfer unless the Department authorizes their disposition because of inaccuracies or obsolescence or that disposing of such records will not adversely affect the public health and safety of the general public and the environment.

(C) Records which are required to be maintained pursuant to 105 CMR 120.800 may be the original or a reproduced copy or microfilm if this reproduced copy or microfilm is capable of producing copy that is clear and legible at the end of the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(D) Copies of all records of the location and the quantity of wastes contained in the facility shall be transferred to the Board upon license transfer to the Board.

(E) Following receipt and acceptance of a shipment of radioactive waste, the licensee shall record the date that the shipment is received at the disposal facility, the date of disposal of the waste, a traceable shipment manifest number, a description of any engineered barrier or structural overpack provided for disposal of the waste, the location of disposal at the disposal site, the containment integrity of the waste disposal containers as received, any discrepancies between materials listed on the manifest and those received, the volume of any pallets, bracing, or other shipping or onsite generated materials that are contaminated, and are disposed of as contaminated or suspect materials, and any evidence of leaking or damaged disposal containers or radiation or contamination levels in excess of limits specified in Department of Transportation and Agency regulations. The licensee shall briefly describe any repackaging operations of any of the disposal containers included in the shipment, plus any other information required by the Agency as a license condition. The licensee shall retain these records until the Agency transfers or terminates the license that authorizes the activities described in 105 CMR 120.800.

(F) Annual reports:

- (1) The Operator shall submit an annual report to the Department by the end of the first calendar quarter of each year for the preceding year.
- (2) The annual reports shall include:
 - (a) A copy of the Operator's financial report or a certified financial statement,
 - (b) Specification of the quantity of each of the principal contaminants released to unrestricted areas in liquid and in airborne effluents during the preceding year,
 - (c) The data of the Operator environmental monitoring program,
 - (d) A summary of any disposal unit surveys and maintenance activities,
 - (e) A summary, by waste class, of activities and quantities of any radionuclides disposed of,

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- (f) Any instances in which observed site characteristics were significantly different from those described in the application for a license; and,
 - (g) Any other information the Department may require.
- (3) The report shall identify and discuss any instance, during the reporting period, in which monitoring results, maintenance performed or the quantities of waste released are significantly different from those expected.
- (G F) The Operator shall comply with the recordkeeping requirements of 105 CMR 120.001.
- (H E) Any transfer of byproduct, source, and special nuclear materials by the Operator is subject to the requirements in 105 CMR 120.140.
- (I) In addition to the other requirements of 105 CMR 120.880, the licensee shall store, or have stored, manifest and other information pertaining to receipt and disposal of radioactive waste in an electronic recordkeeping system.
- (1) The manifest information that must be electronically stored is:
 - (a) That required in 10 CFR part 20, appendix G, with the exception of shipper and carrier telephone numbers and shipper and consignee certifications; and,
 - (b) That information required 105 CMR 120.880(E).
 - (2) As specified in facility license conditions, the licensee shall report the stored information, or subsets of this information, on a computer-readable medium.

120.881: Tests on Facilities

Each Operator shall perform, or permit the Department to perform, any tests the Department deems appropriate or necessary for the administration of 105 CMR 120.800, including, but not limited to, tests of:

- (A) Wastes and facility components used for the receipt, storage, treatment, handling or disposal of wastes;
- (B) Radiation detection and monitoring instruments; or,
- (C) Other equipment and devices used in connection with the receipt, possession, handling, treatment, storage, or disposal of waste.

120.882: Department Inspection of Facilities

- (A) Each Operator shall annually, and at such other times as requested by the Department, provide detailed and accurate information, in a report, for the purpose of determining compliance with the regulations in 105 CMR 120.800, including, but not limited to:
 - (1) The type, volume, radioactivity, source and characteristics of the waste treated, stored, or disposed of at the facility;
 - (2) The Operator's current and projected waste management activities, including source minimization, volume minimization, on-site storage, treatment, packaging and transportation practices.

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(B) The Operator shall allow the duly authorized representatives of the Department, at all reasonable times, without advance notice to enter and examine any property, facility, or activity involving treatment, storage, and disposal of the waste. The Operator shall afford such inspectors unfettered access, equivalent to access provided to persons regularly employed at the facility, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety. Such inspectors are authorized to make such inspections, conduct such test, reviews, studies, monitoring, or sampling or examine books, paper and records as the Department deems necessary for administration or enforcement of M.G.L. c. 111H or 105 CMR 120.800. Such inspectors may copy and take away copies of, for the Agency's use, any record required to be kept pursuant to 105 CMR 120.800.

(C) An annual summary of the Department's inspection and enforcement activities with respect to the facility shall be transmitted to the Board and to the board of health of each site community.

120.885: Waivers

The Department may waive the application of any provision of the regulations of 105 CMR 120.800 if it finds that:

- (A) The performance objectives set forth in 105 CMR 120.811 through 120.814 will be met; and,
- (B) Public health, safety and the environment will be protected; and,
- (C) Strict application of the section to be waived would undermine the public interest; and,
- (D) Specific substitute requirements can be adopted which will result in the substantial protection of the process established in M.G.L. c. 111, §§ 3, 5M, 5N, 5O, and 5P and the rights of persons affected by the action and the Operator; and,
- (E) The action made possible by the waiver will not violate the provisions of M.G.L. c. 111H or any other state or federal law.